

283

In re Application of:

AKITOSHI YAMADA, et al.

Application No.: 09/070,920

Filed: May 4, 1998

For: PRINT CONTROL BASED ON
PRINT HEAD TEMPERATURE

Docket No.

37B.P48

Examiner: C. Stewart, Jr.

Group Art Unit: 2853

Date: December 22, 1999



THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

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Sir:

Transmitted herewith is a Response To Restriction Requirement in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 93	MINUS	** 93	= 0	x \$9 \$18	0
INDEP. CLAIMS	* 24	MINUS	*** 24	= 0	x \$39 \$78	0
Fee for Multiple Dependent claims \$130°/\$260						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						-0-

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.

☐ A check in the amount of \$_____ is enclosed.

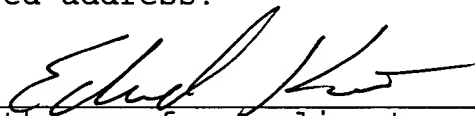
☐ Charge \$_____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.

☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.

☒ A check in the amount of \$110.00 to cover the fee for a one-month extension is enclosed.

☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.

☒ Applicants' undersigned attorney may be reached in our Costa Mesa, CA office by telephone at (714) 540-8700. All correspondence should continue to be directed to our below listed address.



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H-3859

37B.P48

PATENT APPLICATION

#9
P. H. H. H.
1/7/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: C. Stewart, Jr.

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Assistant Commissioner for Patents
Washington, D.C. 20231



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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the November 3, 1999 Restriction Requirement, the term for responding to which having been extended to January 3, 2000 by the accompanying Petition For Extension Of Time, Applicants provisionally elect to prosecute Group I, namely, Claims 1-18. The election is made with traverse.

In this regard, Applicants submit that the claims in Group I, Group II, Group III, and Group IV, while differing in specific claim language, are nevertheless all directed to similar inventive subject matter, therefore making restriction between the claims improper. That is, the claims in Groups I to IV are all directed to a printing operation in which a print head is cooled prior to capping. In addition, Applicants respectfully submit that it would not be an undue burden for the Examiner to conduct a

single search for all of the claims presented in the application.

The claims of Groups I to IV are merely directed to different statutory classifications of the same invention and, therefore, the restriction requirement is improper.

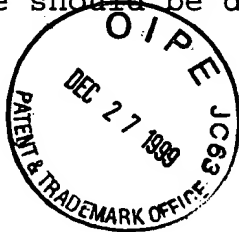
"Process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (1) that the process *as claimed* can be practiced by another materially different apparatus or by hand, or (2) that the apparatus *as claimed* can be used to practice another and materially different process." M.P.E.P. § 806.05(e).

Specifically, the claims of Group III (Claims 30 to 58) are directed to an apparatus for performing the methods claimed in Groups I and II (Claims 1 to 18 and 29 to 29, respectively). The methods as claimed in Groups I and II cannot be practiced by an apparatus which is materially different than that claimed in Group III, nor can they be practiced by hand. Similarly, the apparatus as claimed in Group III cannot be used to practice another materially different process than that claimed in Groups I and II. No evidence of such material differences has been presented in the Office Action in support of the restriction requirement. In the same manner, the claims of Group IV (Claims 59 to 93) are directed to computer-executable process steps corresponding to the claims of Groups I, II and III.

Applicants also respectfully submit that a single search encompassing the claims of Groups I to IV would not be an undue burden on the Examiner because all such claims are generally directed to the cooling of a print head during a printing operation. Thus, prior art which is relevant to the claims of Groups I to IV should be discoverable from a single search in the same field of art without undue burden.

In summary, the claims of Groups I to IV are directed to the same invention, and can be searched in a single search without creating an undue burden on the Examiner. Applicants therefore respectfully request reconsideration and withdrawal of the restriction requirement, and concurrent examination of the claims in Groups I, II, III and IV.

Applicants' undersigned attorney may be reached in our California office by telephone at (714) 540-8700. All correspondence should be directed to our below listed address.



Respectfully submitted,


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